19.
(19)

THE LEGACY OF John Wilmer,

Citizen, and late Merchant of *LONDON*;

Humbly offered to the

LORDS and COMMONS of *England.*

Felix quem faciunt aliena Pericula cautum.

LONDON,
Printed for the Author, MDCXCII.

THE

LEGACY

OF

John Wilmer.

Citizen, and late Merchant of

LONDON;

Humbly offered to the

LORDS and COMMONS

of England.

Felix quem faciunt aliena Pericula cautum.

LONDON,

Printed for the Author, MDCXCII.

TO THE

Nobility and Commons

OF

ENGLAND.

ALthough (my Lords and Gentlemen) I have read many Men, yet few Books; ſo that it is not my Talent to write in an eloquent Rhetorical Stile, and therefore hope you will pardon my blunt and plain way of writing. The ſubſtantial Matter of theſe following Papers I drew preſently after my Return from *Holland* in *January* laſt was three Years, but did by the Advice of Friends forbear publiſhing them at that time. The Excuſe for my Boldneſs in dedicating theſe Papers to you, is becauſe they do of right to you belong: You are the right Heirs at Law to them; for though in the Matter of them I am wounded, yet it was for warding the Blow from you, at you was the Blow aimed. The Reaſons for my publiſhing them now, are, Firſt, to diſcover ſome Particulars, which it may be might be unknown to you, that for the ſake of Poſterity I would not bury. And ſecondly, becauſe of my Intentions in ſome ſhort time for *Jamaica*, from whence it is very probable I may never return, having here no way to employ my ſelf, and there I hope, with God's Bleſſing, I may make ſome Proviſion for my poor Chil-

dren. How little ſoever, for your ſakes, I am made, or whatſoever coarſe Uſage I meet with, it will be a Comfort to me, if you make good uſe of it for your ſelves and Poſterity, that you may not be leſſened and made little. I am ſure you were not abroad ſo accounted, nor can be made ſo at home, without you bring it on your ſelves by your own Act and Deed, by your Clemency to the Traitors and Betrayers of your Liberties. The choice of theſe things lies now before you; to be great, or to be little, or to be nothing: *Utrum horum mavultis accipite.* Theſe Papers are not to ſtir up your Anger or Revenge at what is paſt, but rather to look forward, to prevent the like Miſchiefs for time coming: and I hope your profound Wiſdom and Prudence will take care to build up the old waſte Places, and make good the Fences and Bulwarks, that neither the wild Boars of the Foreſt, nor Wolves in Sheeps Clothing, may be able to break over; *and ſtop up the Holes, that the Foxes, the little Foxes, may not creep through, and hurt the Sheep and Lambs of the Flocks:* that all your Fortifications may be ſo artificially ſtrong, that no Confederacies of Jeſuitical Prieſtcraft, with their battering Rams, may hurt, annoy or indanger them.

Many great and weighty things are before you, and one thing I humbly recommend to you; Let not the black Infamy and horrid Imputation of Self-Murder lie on the Memory of my Lord of *Eſſex*, nor on the Family of ſo great a Man, who was to all that knew him, a Man great for Wiſdom and Parts, and for Love to the Liberties of Mankind, valued neither Life nor Honour, nor any thing elſe in this World, in compariſon to them. That which prompts me to ſay this, is, Though I cannot point out the individual Murderers; yet I can give that circumſtantial Proof that ſhall ſatisfy all Mankind, that the cutting his Throat was deſignedly premeditated both for Time and Place, and perpetrated by bloody Men. It may be ſome Men, for ſuppoſed Reaſons of State, may oppoſe doing of Juſtice to the Dead, or making Reparation to the Living, as being

ing ill Precedents, and which may be of dangerous Conſequence to encourage others to withſtand the like black Attempts, if they ſhould deſign to begin where the late Reigns left off. I will hope that amongſt others of your weighty Affairs, you will carefully maintain and defend the Right of Juries, which are the Shields and Bucklers under a Civil Government, to defend you in the quiet poſſeſſion of your Lives, Honours and Eſtates. If Corruption be amongſt them, no Puniſhment can be great enough; but if no ſuch thing, it may be of bad Conſequence to have them puniſhed, ruined and undone, meerly for giving in Verdicts according to their Conſciences, guided by right Reaſon.

Bear with me, I beſeech you, my Lords and Gentlemen, in declaring that I am fully ſatisfied, that before the Sword of the Lord that is drawn be put up, he will convince the World of Sin, of Righteouſneſs and Judgment; he will open the Eyes of this blind World, and make them ſee their mad Wickedneſs and Folly. That the great God of his infinite Mercy would give you true Wiſdom, to be Healers of our Breaches, and Reſtorers of our Paths to dwell in, is the Prayer of,

My Lords and Gentlemen,

Your humbly devoted Servant,

J. Wilmer.

THE

THE PREFACE.

WHAT Pains did evil Men take in the late Reigns to ruine these poor Nations? What Mischief, what Ruine was then brought upon us? The old Tyranny of Nero, Caligula *and* Domitian, *seemed to revive again in our late Kings. Certainly there was never such a villanous Attempt or Contrivance as that appeared, to forge a Plot upon all the Community at once, a Conspiracy to destroy both Lords and Commons by a Company of Miscreants and Varlets! How were they kick'd up and down all over the City and Country, as if none else had Sense but those Kings, their Courtiers and Clergy; and as if the Nobles of the Land, with the Representative Heads of the People, instead of being a Fence and Bulwark to the Nation, and for redressing their Grievances, in punishing Offenders, and relieving the Oppressed, and making good and wholsom Laws for the Weal-Publick, were only summoned together to be like* Pharaoh's *Egyptian Task-Masters over the People, and only to raise Money to be laid out and expended, to gratify the ambitious Lust and arbitrary Will of the Tyrant, and thereby to enable him to oppress, depress and destroy the People. I remember an old Story, and 'tis this: In the beginning of the Reformation here in* England, *the Romish Priests in foreign Countries, told their People, that since English Men were turned Hereticks, God, as a just Judgment upon them, had miraculously caused long Tails to grow on their hinder Parts, like those of Monkeys. And we were treated in the late Reigns, as if our free-born People bore only the Shape of Men, but were a sort of Animals much resembling Baboons and Monkeys, only dressed up in Mens Apparel, but were to be treated as Children do Hobby-horses, or used only in places of Asses to carry Burdens.*

Indeed

Indeed in all Ages Kings have found Evil Counſellors, and Prieſts for their Turn, to help to befool and lead by the Noſe the reſt of Mankind. In the late Reigns, how did it look like a Deſign and perfect Agreement between the Kings and ſome hot-headed Clergymen, for the latter out of their Pulpits, by their Doctrines of Non-Reſiſtance *and* Implicite Obedience, *to preach up the former to be as Gods; and in requital the latter were promoted to the beſt Dignities in the Church; that by the mutual aſſiſtance of each other, the Kings might enſlave the Bodies and drain the Purſes, and the Prieſts enſlave the Souls, and ride the Conſciences of all Men? But after our late State-Mountebanks had thus for a time tried their Tricks, at length they felt the Weight of the Nation to fall like a Mill-ſtone upon them, and found that the People of* England *would be the People of* England *ſtill, and be govern'd as reaſonable Men and free-born Subjects. Nevertheleſs in every bad Reign Evil Counſellors will be at the old Game; and better is not to be expected, unleſs in a good one we find Juſtice to be executed in* Terrorem, *and it be made the Intereſt as well as the Duty of every Man to ſerve the Publick. The Politick States of* Holland *do make it ſo; and thereby is it, that they not only ſtand, but proſper, and are well ſerved: for every private Man there finds his Account of Intereſt and Profit in ſerving the Common Good; whereas here in the late Reigns every* Judas *to his Country, that moſt betrayed the fundamental Rights, and debauched his Country, had Honours and Profits for ſo doing; and on the contrary, where any ſtood in their way to oppoſe them, they were certainly taken off or ruined. Which ſhews how precarious the Lives, Liberties and Properties (as alſo the Religion) of the People of* England *were made. What Rapines, barbarous Murders and Outrages were in the late Reigns! ſuch as no Chronicle can parallel.* Ahab *and* Jezabel's *Murder of* Naboth, *and taking poſſeſſion of his Vineyard, ſo blacken'd in holy Writ, and ſo revenged by God, ſeems to be far out-done by the cruel and barbarous Murder of the Brave and Noble Earl of* Eſſex: *the firſt was done in the face of the World, and owned; but the latter in Hugger-mugger, when he was under the Guſtody of the Law in Confinement; and which highly aggravates the Heinouſneſs of the Fact, it was perpetrated at that moment when it was made to ſerve the wicked Deſign of deſtroying another of our greateſt Men, the Noble Lord* Ruſſel: *And laſtly to throw the Odium of it on himſelf; which if* England *take not off, I am ſure will coſt them dear, and they muſt feel the Vengeance of Heaven until Juſtice be in ſome kind ſatisfied. When we took God's Way, he bleſſed us; and when we return to him, he will return to us, and bleſs us again. I cannot but admire the Fineneſs of God's Providence, how he called forth the Vertuous, Puiſſant and Illuſtrious Family of* Naſſau, *to reſcue his People out of the*

Jaws.

Jaws of Spaniſh Tyranny under Charles *the Fifth, and broke that Hellish Yoke made by Popiſh Prieſts; and now to call the ſame Family, in his preſent Majeſty, to break the French Yoke: This is a ſtupendous Providence, an amazing Work, which will give him a glorious Name, more laſting than that of Sons and Daughters. God is ſhaking the Earth; he hath begun with us in* Jamaica *in a terrible manner, and ſince hath come to our own Doors, and given us a Warning of his Power, to ſhew us what he can do. Let us labour to underſtand the meaning of the Voice of God in the Earthquake: Shall we ſay the People of* Jamaica *were more wicked than we, becauſe they periſhed? I tell you, God ſeems to call to us in this ſtill Voice, and ſay,* Repent, *or ye ſhall all likewiſe periſh. Let us away with our daſtardly Cowardlineſs, and ſordid Covetouſneſs, and Self-ſeeking, which is the Root of all Evil; and ſeek more the things of God, and things of good Report amongſt good Men in our Generation. Let us reform and amend our Manners, our Ways and Doings, or elſe leave thoſe Names of* Proteſtants *and* Chriſtians: *for our Immorality is a Shame to them all, and the old Heathens and Turks will condemn and riſe up in Judgment againſt us; and it will be more tolerable for them in the Day of Judgment than for us.*

The

The CASE of JOHN WILMER, Citizen, and late Merchant of London. With Reflections thereupon.

SECTION I.

THAT there was a damnable Conspiracy to introduce Popery and Arbitrary Government, carried on long before the great Alarm thereof was given to the three Kingdoms about the Month of *September*, 1678, was well known to all thinking Men, and is now put out of question; as it is that the late unhappy King *James* gave Life to it. The House of Commons in the first *Westminster* Parliament, after the Dissolution of the Long Parliament in *January*, 1678, declared, *That the Duke of* York *being a Papist, and his Hopes of coming such to the Crown, gave Countenance and Encouragement to the Popish Conspiracies.* It appeared at that time to both Houses of Parliament, by Letters from several Cardinals and others at *Rome*, that the Duke held great Correspondences with the Pope, and that his pretended Holiness could not but weep for Joy at the reading some of the Duke's Letters. Whereupon a Bill was brought into the House of Commons, to disable the Duke to inherit the Crown; which upon a second reading in a Committee of the whole House, being carried by the Majority of near two to one, that Parliament was dissolved, and never sat more.

The honest and most necessary Resolution then taken, being thus defeated, to the Grief and Astonishment of the greatest part of the Nation, the undernamed Lords and Gentlemen, *viz.* the Earl of *Shaftsbury*, Earl of *Huntingdon*, Lord *Grey* of *Werk*, Lord *Russel*, Lord *Cavendish*, Lord *Brandon*, *Thomas Wharton* Esq; Sir *William Cowper*, Sir *Gilbert Gerrard*, Sir *Edward Hungerford*, Sir *Henry Calverly*, Sir *Bishop Hun*, *Thomas Thynne* Esq; *William Forvester* Esq; and *John Trenchard* Esq; went

in Person upon the 26th of *June* 1680, and presented Reasons to the Grand Jury, which served in the Court of King's-Bench for the County of *Middlesex*, for the indicting the Duke of *York* as a Popish Recusant; whereupon that Jury took the Indictment into Consideration. But the Judges of that Court getting information thereof, sent for the Jury, and in an unheard-of manner hastily dismissed them at a time when many other Indictments were depending before them. The former Lords and Gentlemen no way discouraged by the aforesaid denial of Justice, upon the 30th of *July* following, together with the Earl of *Clare*, Sir *John Cope*, Sir *Rowland Gwynn*, and Mr. *Wandsford*, did personally prosecute the same Accusation against the Duke before a second Grand Jury; but they were in the same arbitrary manner dismissed by the Court, to the obstruction of that Prosecution.

In the ensuing *Michaelmas* Term, 1680, I *John Wilmer* was returned and sworn upon the Grand Jury, which served in the Court of King's-Bench for the County of *Middlesex*: at that time began the Parliament, commonly called *the second* Westminster *Parliament* from the Dissolution of the late Long Parliament; and upon the 11th of *November* the House of Commons passed a Bill entituled, *An Act for securing the Protestant Religion, by disabling* James *Duke of* York *to inherit the Imperial Crown of* England *and* Ireland; which Bill was upon the 15th of *November* carried up to the Lords by the Great Lord *Russel*, attended by almost all the Commons. My then Station as a Grand-Jury-Man, my Duty and my Oath obliging me thereunto, and I imagining that the just Prosecution of the Duke in the Court of King's-Bench, might facilitate the passing that Exclusion-Bill, which was then set on foot and carrying on by the great Council of the Kingdom, as the only humane Security for our Religion and Liberties; I brought in a Bill of Indictment, which the present Mr. Serjeant *Rotherham* drew up, against the Duke as a Popish Recusant. This Indictment was found by that Grand Jury, and presented to the Court. That the defeating of that highly necessary Bill of Exclusion, laid the Foundation of all the Calamities which the three Kingdoms do to this day so sensibly feel and groan under, will not be now controverted: and 'tis as certain that hence sprung my future Sufferings. It may not therefore be impertinent to remember the World in this place how it fared with that Bill in the House of Lords; and I shall do it in the very Words of an Author, who in his Preface asserts that the Nation is not a little obliged to Sir *Roger L'Estrange*, a Person who (says he) might be compared to some Pictures that are placed too near the Sight to discover their true Value; and that he is confi-

dent

dent that the next Age, who will behold him at a more advantageous and impartial Distance, will have a truer and far greater Esteem of his Merits. This very Author obligingly tells us, that on the second reading of the Exclusion-Bill in the Lords House, it was debated till 11 a Clock at Night, (the King being present all the while) and then thrown out by a Majority of about 30 Votes, in which Majority were all the Bishops then present, which were 14. The foregoing Account may be found by the Reader in a very villanous Book, wrote by *James Wright* Esq; entituled, *A compendious View of the Tumults and Troubles of this Kingdom, from the beginning of the* 20th *to the End of the* 36th *Year of his late Majesty King* Charles *the second of blessed Memory*, page 90. printed 1685.

Much good may do my Lords, the fourteen Bishops, with the Honour here done them by this their Admirer. But I cannot with-hold my self from observing that the before-mentioned Bill was read once in the House of Lords; and being ordered a second reading, Blessed Memory above-mentioned (that never-failing Defender of the Protestant Faith) did in Person sollicite the Popish Cause; and by his Influence, and by the helping Hand of the fourteen Fathers, we were fairly kidnapp'd to *Rome*, and are yet to seek in what Court to bring our Writ *de homine replegiando*, in order to the obtaining a *Capias* in *Withernam* against them: But 'tis out of doubt that the Prosecution of our Deliverance hath already (besides a Sea of precious Blood) cost the Nation more Treasure than the said Bishops Lands are worth a hundred times over.

Some modest Reflections on the first Section.

THE two great Points that Mankind ought in this Life to be most careful in, and concerned for, are first his Duty to, and Worship of his God; and the second is like unto it, his Duty to his Neighbour: which is not only in particular to his Country and Country-men, but to all Mankind in general. Now the Laws of *England* bind every Man in his Station to maintain, defend and preserve the Civil Government, and the Protestant Religion, and to let and hinder, what in him lieth, that may endanger either of the same. In the Year 1678, was a discovery of a dangerous and hellish Plot of the Papists, that threatned the Ruine of the Government, with all our Civil and Religious Rights: this wrought in most Men great Thoughtfulness which way to secure themselves and the Nation from this threatned Ruine; some were for this,

and others were for that: but in fine, the Parliament saw no other way to secure the Nation, but a Bill of Exclusion against the Duke of *York*, he standing next in Succession to the Crown; upon which the Papists built great Hopes, and were mightily emboldned and encouraged by him and their Priests, to carry on their Designs for the rooting out the *Northern Heresy*, as they called the Protestant Religion. And as the Parliament was herein busied, so every honest Man looked upon himself in Duty bound to assist them in so necessary and good a Work. I being then on the Grand Jury, attending the Term, and all Men do or should know a Grand Jury is a Jury of Enquiry, I taking notice how illegally the Chief Justice, the Term before, prevented the Indictment against the Duke of *York*, and perceiving what Heats and Quarrels it begat in City and Country, about drinking his Health, some affirming he was a Protestant, and others refusing it. As he was a Papist, I thought it my Duty, being then on the Jury, and being satisfied in my Conscience of his being a Papist, I did upon a Political Account bring in a Bill against him, which was proved by Witness, and found by the Jury. The Reasons that moved me to bring in this Bill, were as followeth. (1.) As he was next Heir to the Crown, which if he came to, would endanger the Overthrow of the Protestant Religion both at home and abroad, in regard of his Jesuitical Bigotry, and fast Friendship with the French King. (2.) As he was Brother to the then present King *Charles* the Second, on whom he had a mighty Influence, and who himself also had as good a Mind to the Work, but acted more craftily, and was not willing to go his Brother's pace, but take slow and sure Steps; for I then could as well, and by substantial and credible Witness, have proved him as much a Papist as his Brother: but that was none of our Work, nor lay before us, for that a Law was made in the 13*th* Year of his Reign, making it a high Misdemeanour for any to say the King was a Papist, or Popishly affected. (3.) The finding this Bill, and the farther Prosecution of it, would animate and put Life into the Protestants, and be a Check to the Romish Zeal in their Designs, and would also put the King upon considering of not venturing all upon the Cast of a Dye; especially the Parliament's being then awakened to encourage it, and to back it with a Bill of Exclusion. And I declare to all the World, had the Duke of *York* been a private Person, he might have lived and died a Papist without the least disturbance from me, it being always my Judgment not to disturb or prosecute any Man barely for his private Opinion, so he were not prompted thereby to Designs for disturbance of the Government and publick Peace. But by my doing

this,

this, I knew the War was begun, and my Name in the black Book, and I had hereby exposed my self to all the Rage and Malice of the Popish Party, that they would never leave pursuing me, until by one way or other they had my Blood, or ruined or removed me out of the way; the first God prevented, the latter they effected.

SECT. II.

IN a short time after the rejection of the Bill of Exclusion by the Lords, the second *Westminster* Parliament being dissolved, another is summoned to meet at *Oxford* upon the twenty first of *March*, 168⅔: but in the interval, Discovery being made of a horrid Conspiracy to sham the World with a pretended Protestant Plot, *Fitz-Harris* a Papist, who had been employed at *Whitehall* to carry on that cursed Intrigue, being detected, was committed to *Newgate*: but that the Villany might not be pried into by the Magistrates of *London*, he is soon catch'd away, and removed to the Tower. The Parliament being assembled at *Oxford*, the Commons fall upon this matter, and draw up an Impeachment against *Fitz-Harris*: but to obstruct their Enquiry into the Case, they are also dissolved, having first passed a Vote, declaring, That for any Person to try *Fitz-Harris*, (his Case being before the Parliament) he should be deemed and taken for a Betrayer of the Liberties of the Nation. Nevertheless Sir *Francis Pemberton* is instantly made Lord Chief Justice of the King's-Bench, and undertakes to try him, I being then returned upon the Pannel for his Trial: but it was remembred at Court, that I had lately brought in a Bill of Indictment against the Duke of *York*; I must therefore be kept off from this Jury, and was excepted against by Mr. Attorney General, Sir *Robert Sawyer*, without any Reason shewn for it. *Fitz-Harris* being tried, condemned and executed, to the unspeakable Joy of the Papists and their Adherents, who above all things dreaded the Discovery which he might and would have made, they were no way discouraged at the unlucky Miscarriage and Disappointment (or rather Delay) of the Resolution taken to turn the Popish into a Presbyterian Plot, but were found to prosecute it with all imaginable Application.

Reflections

Reflections on the ſecond Section.

WHat were Mr. Attorney's Reaſons, upon the King's Account, to except againſt me, are beſt known to himſelf; but I had a ſtrong Preſumption one chief Reaſon was, that I had brought the aforeſaid Bill of Indictment in againſt the Duke of *York*; and therefore might be likely alſo to puzzle this great and mighty Affair of the Papiſts upon the Wheel, to take *Fitz-Harris* out of the way, either by urging and inſiſting upon the Vote of the Commons, or by bringing in a ſpecial Verdict, and ſo have thrown it wholly upon the Judges: But I had a Writ of Eaſe from this Trouble; and ſo a Jury of honeſt Men I verily believe was ſworn; and *Fitz-Harris* was convicted, condemned, and executed; which occaſioned great Rejoycings and Acclamations at Court, that ſuch a dangerous Conſpiracy of theirs, againſt the Parliament and Nation, ſhould be no farther diſcovered.

SECT. III.

THE Popiſh Plot being laid aſide, the Witneſſes who came out of *Ireland*, to prove the part thereof which had been carried on in that Kingdom, were in order to the new Intrigue tampered withal, and the Relief and Support which the King had allowed them was withdrawn; hereupon, ſome of them liſted themſelves in the Plot-Office at *Whitehall*, and were well fed and clothed: others of them apply'd themſelves to ſeveral Citizens, making woful Complaints of their diſtreſſed Condition; whereupon, my ſelf (amongſt many others) commiſerating their Diſtreſs, eſteemed it my Duty to relieve them that had diſcovered a Plot againſt the Lives and Liberties of Proteſtants, and frequently gave them Bread in their Neceſſity. Thus for ſome time they continued in the City, but every day looking blacker and darker, without any proſpect of a Parliament to defeat the bloody Deſigns of the Popiſh Conſpirators, theſe Wretches not being Temptation-proof, and obſerving that their Brethren at the other end of the Town had better Quarters and Entertainment, they were alſo hereby carried over and liſted there.

Theſe

These Men had often intimated to me what large Offers were made them if they would come over and swear for the King, (as it was termed;) and four of them, *viz. John* and *Denis Macknamar*, *Brian Haines*, and *Bernard Denis*, being listed and entred into present Pay, they watched an Opportunity at a Tavern which I mostly dined at, and inviting me to a Glass of Wine, complemented me with many Expressions of Thankfulness for my Kindness to them, assuring me that they should always retain a grateful Sense thereof. After the drinking a Glass or two of Wine, *John Macknamar* did further enlarge to this effect: Sir, you have been a kind Friend to us all, and helped us with Meat, Drink and Money, when we were slighted and cast off by others; and your Kindness to us shall never be forgotten; therefore we could not part with you, until we had expressed as much, and to let you know further, there is a Business will shortly come upon the Stage which will make thousands be amazed, and their Hair stand an end.

They then bid me not be troubled nor afraid, and swore, not a Hair of my Head should be touched, for they would stand between me and danger for old Kindness-sake: *John Macknamar* farther added, the Scene will begin with *Stephen Colledg*, my Lord *Shaftsbury*, and others. He having thus expressed himself, I thanked them all for their Respect, but thought it not prudent to ask them any Questions, and therefore took my Leave civilly of them. Soon after *Colledg*, and then the Earl of *Shaftsbury*, were taken up and committed to the Tower for High-Treason, whereby I was confirmed in the Belief of the Villany of these *Irish* Men.

The Midsummer-Quarter-Sessions (1681) approaching, great was the Expectation of the whole Kingdom what Proceedings there would be had against the Prisoners in the Tower. Mr. *Bethel* and Mr. *Cornish* being then Sheriffs, and they well knowing that honest and able Juries were the great Fence and Bulwark to the Lives and Estates of all Men, they took special Care to return such to serve at this Sessions, as in truth they did upon all other Occasions, insomuch that in the End of their Year, the Lord-Chief-Baron *Montague* gave them this *Encomium* openly in Court, That in all the Verdicts of the several Juries in Causes tried before him, he never saw more equal distributive Justice in his Life; and that he did in every one of them, in his own Judgment, both in Law and Equity, concur with them, and thanked the Sheriffs for their Care.

Reflections

Reflections on the third Session.

MY Lord *Shaftsbury*, and *Stephen Colledg* (called the Protestant-Joyner) with others, being in the Tower upon the black Imputation of High-Treason, it filled the City and Nation with Discourse; every one speaking and giving their Judgments as they stood affected; some decrying them at a strange rate, blackning them as much as they could; others were more mild, and looked upon it as a Sham-plot. And farther note, by the way, at this time, by the Cunning of the Jesuitical Priestcraft, were the Nick-names and Distinctions of *Whig* and *Tory* trump'd up, and under those two Names were listed Persons of all Ranks; like as among the Italians were the Names of *Guelf* and *Gubeline*; and such Heat between *Whig* and *Tory*, and such Folly and great Partiality, that no Reason nor Moderation could take place; but the *Tories* had the advantage of the *Whigs*, having the Court and Judicial Government on their side; but to speak the Truth modestly, the *Whig* had the Law and Equity on theirs, however there was too much of Warmth and Passion in either Party. But to return, The Midsummer Quarter-Sessions drew near, and great were the Expectations of both Parties, what Proceedings would be against the Prisoners in the Tower for High-Treason; the Friends of *Shaftsbury* and *Colledg* bethinking themselves what honest, just, and reasonable Methods were to be taken.

SECT. IV.

I Being returned upon the Pannel of Jurors for this Sessions, and appearing at *Guild-hall* according to the Summons, I was sworn Fore-man of the Grand-Jury. After the Dispatch of the City-Business there, the Jury were adjourned to the Sessions of *Oyer* and *Terminer* at the *Old-Baily*, where there was a great Appearance of the Nobility, and no less than eleven of the Twelve Judges. The first Day was chiefly spent by the Judges, Mr. Attorney-General (*Sawyer*,) and the King's Counsel, in Debates with my Lord-Mayor (Sir *Patient Ward*) and the Sheriffs, about the Pannel of the Grand-Jury: It was insisted upon to have a new Pannel, or one or two at the least of the Pannel struck

ſtruck out, and others taken in. The By-ſtanders who knew not the Intrigue of the Court, were put into admiration at this unuſual ſtruggling to change the Jury; but the Plot-managers did well remember, that I had brought in a Bill againſt the Duke of *York* for Recuſancy, and therefore was not a fit Perſon to ſerve the preſent Turn. The Judges preſſed the Matter upon the Sheriffs with all imaginable Vehemency; but Sheriff *Bethel* made anſwer, that he knew the Duty of his Place by Law; and told the Judges poſitively, that he would not change one of the Jury: Whereupon, Mr. Attorney ſaid, *Well, if you will not part with any of the Jury, we will try them with one Bill*, and ſo flung into the Court an Indictment of High-Treaſon againſt *Stephen Colledg*, and moved that the Indictment might be read, and the Witneſſes heard in open Court, which was granted.

Reflections on the fourth Section.

THere was in this juncture of Time ſuch a Turn to be ſerved as ſcarce any Age can parallel: 'Tis certain no Hiſtory ſince the Reformation ſhews any thing like it; We had had a manifeſt Diſcovery of a helliſh Popiſh-Plot, that had been proſecuted; and three ſucceſſive Parliaments had been intent upon the Excluſion of the Duke of *York*, as the head of that Plot, and the fountain of all the Miſchiefs thence threatning theſe Kingdoms. But now the Conſpirators took heart, the Plot muſt be no farther proſecuted; but to divert from it, the Nation is to be amuzed with a ſham Proteſtant-Plot; and proper Judges being placed on the Bench, there only wanted Juries for the Purpoſe: The worthy Sheriffs of *London*, Mr. *Bethel* and Mr. *Cornish*, not gratifying them therein, we here find the Judges and King's Counſel attempting to uſurp their Office, and in effect, to aſſume to themſelves a Power to return Juries: for what difference is there between the doing that, and the taking out and putting into the Pannels at their pleaſure? The Honeſty and Courage of the Sheriffs can never be ſufficiently commended: Had not they ſtemm'd the Deſign, what a torrent of Miſchief, what a Sea of Blood ſhould we have inſtantly beheld? but being here happily check'd, Mr. Attorney ſaid, in a Paſſion, He would try the honeſt Jury now returned with one Bill; from whence we may fairly infer, that as they had a Set of Witneſſes, ſuch as they were, ſo they had Indictments and Accuſations enow at hand.

SECT. V.

THE Witneſſes produced, were Sir *William Jennings*, (now in the Service of the French King) the two *Macknamara*, *Smith* (called Narrative *Smith*) alias *Barry*, *Bernard Denis*, and *Brian Haines*. Some of the Jury took their Evidence in Short-hand; the Subſtance whereof was, That the Lords and Commons of *England* were ingaged in a horrid Plot to ſeize the King at *Oxford*; wherein they ſwore 40000 were liſted beſides Houſholders, and that they had provided 100000 Arms, and 1500 Barrels of Powder, beſides ſome particular Arms which *Colledg* had in readineſs for himſelf.

The Witneſſes having told their Tales to the Court, before the Jury withdrew, I moved the Judges that the Witneſſes might attend the Jury in the Grand-Jury-Chamber, to the end that they might ask them ſome Queſtions, if upon the Debate of the Evidence which had been given, it ſhould be found requiſite; that being granted by the Court, the Jury retired to conſider of the Evidence: ſome of them declared that they obſerved the Witneſſes to have Papers in their Hands in the Court, that while one was giving his Evidence, the others were conning their Leſſons; and moſt of their Papers appeared to be much interlined, and all of them to be written by one and the ſame Hand-writing, as near as could be gueſſed.

The Jury called the Witneſſes in before them one after another, and demanded of them to rehearſe the Evidence given in Court; and thoſe that took it in Short-hand, to obſerve whether they varied, and wherein: they were alſo put to anſwer ſuch Queſtions as were propoſed to them. When the Jury had diſpatch'd the firſt of the Witneſſes, they directed one of their Officers to take him aſide, that none of the others might ſpeak with him until they had finiſhed with them all; but by that time they had half done, the Lord-Chief-Juſtice ſent a Meſſage requiring me to attend him; and coming before his Lordſhip, he ſaid, Mr. Foreman I underſtand you impriſon the King's Witneſſes: To which I anſwered, My Lord, I underſtand no ſuch thing; we only keep thoſe we have examined apart from thoſe we have to examine, that we may find out the whole Truth, and be able to do Right and Juſtice both to the King and to the Subject. The Lord-Chief-Juſtice reply'd thereupon, You had beſt have a care what you do; and ſo I returned to my Brethren,

Brethren, and we went through the Examination of all the Witneſſes, and then compared what they had ſworn in Court with what they had now ſworn before us, and found them greatly diſagreeing and contradicting one another in many Particulars: whereupon, every individual Perſon of the Nineteen which were upon the Grand-Jury, gave his Verdict *Ignoramus*, which I, as the Fore-man, enderſed upon the Indictment.

Reflections on the fifth Section.

HEre the tragical Show and Scene of Swearing begun, even to make the Hairs of thouſands ſtand an end, according to the Phraſe of the Iriſh Men: and ſure I am, many ſeemed ſad in Countenance, and ſtruck with Fear, not knowing what Event might happen. Our Task being of that mighty Importance and Difficulty, it required Men of far greater Depth and Sagacity than we were of, to manage ſuch an Affair methodically, and to purpoſe. Here was firſt a Difficulty and Innovation upon us, in the Court's ordering the Witneſſes to give their Teſtimony in open Court; a new Thing, and not heard of before; and indeed if we had asked them any Queſtions in open Court, it could ſcarcely have been conſiſtent with a Grand-Jury-Man's Oath, (at leaſt I thought it ſo;) for how can *the King's Secrets and our own* be kept, if all Examinations and Debates be in open Court? beſides, it's an Awe upon, and takes away all the fundamental Freedom and Liberty of Juries, and would quickly render them uſeleſs, and all Power would ſoon center in the Judg, and his being from the King, *durante bene placito*; then the Law in his Breaſt, would be according to the Saying in *Juvenal*, *Sic volo ſic jubeo, ſtat pro ratione voluntas.* Would not the People then be in a fine pickle, and the Lords and Commons of *England* be in the ſame State with Sheep and Calves in *Smithfield*-Pens, firſt to be brought thither by every Court-Jobber and State-Higler, and ſent to the Shambles by every Butcherly *bene placito* Drudg?

The Witneſſes had very large Conſciences, for they bring all into their Net: Firſt, the Lords and Commons in general: Secondly, Forty thouſand in particular, that were liſted; and thirdly add, beſides Houſholders, an indefinite Number, ſo might take in the whole Number of Houſholders; in which Rank, we looked on our ſelves as comprehended. Surely theſe *Iriſh* thought this Swearing in *England*, muſt anſwer the cutting Proteſtant Throats in *Ireland* in 41, that none muſt ſcape them; ſo that had we found the Bill, *Bilia vera*, we might have

 brought

brought in every individual English Man for a ſnack. It's ſtrange ſuch a general Plot ſhould be, and none of us know one word of it, but theſe Iriſh Men, and thoſe to whom they pleaſed to impart it. And as for the 100000 Arms, and 1500 Barrels of Powder, they could never be found to this day; if they now could, they would do our King *William* a Kindneſs at this time. Our *Dear Joys*, with their Popiſh Maſters at the Plot-Office at *Whitehall*, thought the Engliſh Proteſtants had very thick Skulls, or little Wit, Honeſty or Courage, to be frighted out of their Senſes by their horrid Swearing, or rather Forſwearing themſelves: If any of our Prieſt-ridden Tools, or the Jeſuitical Bigots can yet make this Plot plainly appear, now we have a Set of honeſt Judges, and honeſt Juries too, if it be not our own Faults, I am content ſtill to take my Trial as one of the chief guilty in it; and I do hereby promiſe them, I will take no advantage of any Act of Grace made ſince, by pleading any other Pardon than only for the ſingle Act of Coming over in the Deſcent with his Highneſs the Prince of *Orange*, which was not until all the Foundations of the Government were broken up. It is alſo farther more ſtrange, if there were ſuch a general Plot, that never a one of us, amongſt whom many of us were wholly Strangers one to another; and I can truly ſay, to my knowledg I never ſaw the Faces of many of them, before they came upon this Jury; I ſay, that all the nineteen of us ſhould immediately, at the firſt ſight, enter into a Combination to ſmother and ſtifle the Diſcovery of ſo horrid and deteſtable a Plot, and not one of the whole 19 to this day tell Tales, and betray the reſt: nay, it is ſo far from it, that I hear not one of that Jury repents of the ſaid Verdict to this day, but is of the ſame Opinion ſtill; that they were not only then in the right, but now would do the ſame, were it to be done again. I think 16 of us are now living; if any of the Popiſh Party have a mind to enquire farther, or queſtion the Truth herein, I refer them to the reſt of my Brethren for their further Satisfaction.

SECT. VI.

THE Indictment being carried and delivered into the Court, ſome of the Judges, with the Attorney-General, ſeemed much concerned that the Bill was indorſed *Ignoramus*; eſpecially the Lord-Chief-Juſtice *Pemberton*, who demanded of me, being Fore-man, what

what Reaſon the Jury had for this Verdict? I reply'd to his Lordſhip, I humbly conceived we are not bound by Law to give any Reaſon: The Chief-Juſtice thereupon ſaid, Will you give none? I anſwered, No my Lord; but after a little pauſe ſaid, We have done according to our Conſciences: upon the hearing whereof, ſome Counſel in the Court ſaid aloud, That is a good Reaſon. The Chief-Juſtice then ſpake to my Lord-Mayor, that the Jury might be diſcharged; but he replied, it could not be, for after the Buſineſs ended there, they were to attend at *Guild-hall* at the Seſſions of the Peace. The Attorney-General then moved that they might never more be Jury-men.

Reflections on the ſixth Section.

WHat Diſappointment is here, and Concernedneſs for it! I always thought the Judges were to be indifferent Perſons between the King and People, and keep only to the Rule of Law, without Partiality, and to have no reſpect of Perſons in Judgment; and not againſt Law, to taunt at Grand-Juries like School-Boys, as the Chief-Juſtice did, when he asked a Reaſon for our Verdict. If I had replied, My Lord, by what Law do you ask that Queſtion? (as I had much ado to forbear) I believe my Lord would have ſaid, I had been a ſawcy Fellow. If any Corruption or Bribery had appeared in our Jury, we ought then ſeverely to have ſuffered; but I dare affirm there was not the leaſt touch of it; but I cannot ſay ſo for the Witneſſes. As to the Motion of Mr. Attorney's, that we might never be Jury-men more, I think my ſelf and Brethren have reaſon to thank him for it: I know no Profit by it, but only Trouble, Sorrow and Ruin of me and my Family: I have found it ſo, for I may modeſtly reckon my ſelf 8000 *l.* (if I ſhould ſay 10000 *l.* I ſhould not be extravagant in my Accompt) the worſe for ſerving on Juries; for it is to that I muſt attribute all my Troubles; I know of no other Reaſon. It is pretty hard methinks, that there is not better Proviſion in our Laws, to defend Grand-Juries, and all Juries, that are the great Security to the Lives and Eſtates of all Ranks of Men.

SECT.

SECT. VII.

THey appeared at *Whitehall* as Thunder-ſtruck with the ſad News of the Diſappointment at the *Old-Baily*; and Sir *Thomas Linch*, late Governour of *Jamaica*, told me that King *Charles* was in a great Rage, and angry with me: 'Tis well known that that Prince was very crafty, and had a great command of his Paſſion; yet in his Rage, throwing his Hat and Periwig on the Ground, he was heard to expreſs himſelf to this effect; *This Rogue* Wilmer *has broke all my Meaſures*; God's Fiſh *I will have his Blood, or ruine him, although it coſt me ten thouſand Pounds.*

Reflections on the ſeventh Section.

NO Age can parallel the Wickedneſs of ſuch Magiſtrates, to contrive ſuch horrid things againſt a brave and honeſt People, to bring ſuch a parcel of Varlets and Iriſh Cut-throats to ſwear againſt innocent Men, that no honeſt Man in the Kingdom, in Life or Eſtate, could eſcape them, if they could have had Jury-Tools, as well as Judges and others. It is a difficult Task to keep within bounds, and to bridle in Paſſion under Oppreſſion, to have our Spirits in a Chriſtian cool Frame, when we are injured; it requires great Meaſures of Grace. You ſee I was here in a fine Caſe, having ſuch thundring Threatnings, that nothing but Death or Ruine muſt follow. For what is mentioned, is Matter of Fact in the foregoing Section, and I believe I can prove it at this Day, if need require.

SECT. VIII.

THE Conſpirators unwilling thus to loſe their hopeful Plot, and the Coſt which they had been at in ſuborning and inſtructing their Iriſh Witneſſes, they caſt about how and where to employ them to better purpoſe than in the City of *London*; and at length they reſolve to make an Experiment at *Oxford*: thither they ſend *Colledg* to be tried, upon a ſpecial Commiſſion of *Oyer* and *Terminer* iſſued into that County.

County. Hereupon it being evident that I might be a moſt material Witneſs to ſhew the Inconſiſtency and Falſhood of the Iriſh Evidence, Inquiry was made of me whether I would go to *Oxford* to teſtify my knowledg in the Matter on the behalf of *Colledg*. I declared, that if I were Subpena'd, I would go: but upon the very Day when a Subpena was brought to my Houſe, *Atterbury* the Meſſenger came thither, with *Stephens*, Meſſenger of the Preſs; and ſeizing me, ſaid, You are my Priſoner. Hereupon I demanded a ſight of his Warrant; and finding it to be from Secretary *Jenkyns* for High-Treaſon, I told *Atterbury*, (as Counſel had before adviſed me) that it was an illegal Warrant, and would not run in *London*, I being within the Freedom, and a Freeman of the City; but if any Warrant came from my Lord-Mayor, or from an Alderman of the City, who was a Juſtice, I would readily obey it: but *Atterbury* with his Aſſiſtants laid hold of me, and forced me into a Coach, carrying me to *Atterbury*'s Houſe, where I was kept two Days: from thence I was carried before the King and Council at *Hampton-Court*; and being very ſick with an Ague and Feaver, the Lord Chancellor ſaid to me at my coming in, You come in like an *Ignoramus*: upon which the King pulled him by the Sleeve, and wink'd on him; which ſeemed to intimate, that though my giving the *Ignoramus* Verdict upon the Indictment againſt *Colledg*, was in truth the Crime which brought me thither, yet it ſhould not be publiſhed: wherefore the ſame Lord turning it, ſaid, You come here as one not only guilty of High-Treaſon, but as to begin a Rebellion in reſiſting his Majeſty's Warrant for your Apprehenſion: Whereupon I replied, May it pleaſe your Majeſty, I have not, nor will I reſiſt any legal Warrant of your Majeſty's; but I humbly conceive, the Warrant by which I am apprehended, is an illegal Warrant, being from the Secretary of State, and will not run in *London*; for the Juſtices of *London* are not Juſtices by Commiſſion, but by Preſcription and Charter. Said the King, Will not my Warrant run in *London*? Yes, may it pleaſe your Majeſty, I anſwered; a Warrant from my Lord Chief Juſtice of your Majeſty's Bench will run in *London* to apprehend any Citizen, but it is to be executed by its proper Officer, a City-Conſtable, and he to carry his Priſoner ſo apprehended before the Lord-Mayor, or any other Alderman that is a Juſtice of the ſaid City. To which the King ſaid, Who told you this Law? I replied, One *Mr. Smith* an able Lawyer. Whereupon I was ordered to withdraw; and within an hour after, without any other Accuſation or Examination, a Warrant was ſent out of the Council-Chamber to commit me to the Tower for High-Treaſon.

Reflections.

Reflections on the eighth Section.

IT is thought by many, that one Reason of my being taken up at this time, was to prevent my going to *Oxford* to *Colledg*'s Trial, to confront the Irish Evidence, and declare my knowledg of them. By this Warrant against me, and by a like Warrant against Mr. *Whitaker*, the Customs and Privileges of the City of *London*, granted by Charter, and confirmed by Act of Parliament, were broken through: for it was granted by the Charter of King *Edward* the Third, (as may be seen in the printed Charters of the City, *p.*45.) and which hath been very often confirmed by many Acts of Parliament, That *no Summons, Attachments or Executions be made by any the King's Officers whatsoever, by Writ or without Writ, within the Liberty of the City, but only by the Ministers of the City.*

Bracton, lib. 1. cap. 8. fol. 5. lib. 2. cap. 16. fol. 34. *Mirror of Justice*, p. 8, 15.

The famous Lawyer *Bracton* expresses himself to this purpose, *The Law is not only the King's Maker, but his Master*; and whatever he doth against it, he is as liable to answer as the Subject, save in Life and Member; therefore does nothing in Person, but all in his Political State and Capacity by Ministers: And therefore if any Minister by the King's Command, breaks the Law, or acts against Law, he is punishable for the Crime, whether Privy-Counsellor, Chancellor, Judg, or other inferior Minister. Every Citizen of *London*, with the same Breath he swears Allegiance to the King, he also swears to maintain the Charters, Grants, Rights and Privileges of the City; and I take each Oath to be binding alike, and no ways contradictory the one to the other; and as I take it, I was bound by the latter to have resisted *Atterbury* even to the hazard of my Life, he coming with his illegal Warrant to seize me, contrary to the Grants, Charters and Customs of the City. Now to evince the truth of what I assert, and to remember my Fellow-Citizens of their Duty, I shall here subjoin the Oath which we all took as Freemen of the City, and also the Oath which is taken by every Member of the Common Council, by both which Oaths I then stood obliged.

The Oath of every Freeman of the City of London, *I here insert, word for word, as follows.*

'YE shall swear, that ye shall be good and true to our Sovereign Lord 'and Lady, King *William* and Queen *Mary*. Obeysant and obedi-'ent ye shall be to the Mayor and Ministers of the City: *The Franchises* '*and Customs thereof ye shall maintain, and this City keep harmless in that* 'that

that in you is. Ye shall be contributary to all manner of Charges within this City, as Summons, Watches, Contributions, Taxes, Tallages, Lot and Scot, and to all other Charges, bearing your part as a Freeman ought to do. Ye shall colour no foreign Goods under, or in your Name, whereby the King or this City might or may lose their Customs or Advantages. Ye shall know no Foreigner to buy or sell any Merchandise with any other Foreigner, within this City, or Franchise thereof; but ye shall warn the Chamberlain thereof, or some Minister of the Chamber. *Ye shall implead or sue no Freeman out of this City, whilst ye may have Right and Law in the same City.* Ye shall take no Apprentice, but if he be free-born, that is to say, no Bondman's Son, nor the Child of any Alien, and for no less Term than for seven Years, without Fraud or Deceit: and within the first Year ye shall cause him to be enrolled, or else pay such Fine as shall be reasonably imposed upon you for omitting the same: and after his Term's End, within convenient time (being required) ye shall make him free of this City, if he have well and truly served you. Ye shall also keep the King's Peace in your own Person; ye shall know no Gatherings, Conventicles nor Conspiracies made against the King's Peace, but ye shall warn the Mayor thereof, or let it to your Power. All these Points and Articles ye shall well and truly keep, according to the Laws and Customs of this City, to your Power.

So God you help.

Here follows the Common-Council-man's Oath.

YE shall swear, that ye shall be true to our Sovereign Lord the King, his Heirs and lawful Successors, and readily come when ye be summoned to the Common-Council of this City, but if that you be reasonably excused. And *good and true Counsel ye shall give in all things touching the common Weal of this City, after your Wit and Cunning.* And that for favour of any Man ye shall maintain no singular Profit against the common Profit of this City. And after that ye be come to the Common-Council, ye shall not from thence depart, till the Common-Council be ended, without a reasonable Cause, or else by the Mayor's Licence. And also that all secret things that are spoken or said in the Common Council, the which ought to be kept secret, ye shall in no wise disclose.

As God you help.

By which Oaths all Citizens may see how far they stand obliged to the Community, to defend and preserve the Rights and Privileges granted to them, if at any time they are invaded or infringed.

SECT. IX.

THE Warrant against me was as follows. *Whereas several Informations upon Oath have been this Day read at the Board against* John Wilmer, *of High-Treason by him committed, in conspiring the Death of the King, and endeavouring to depose his Majesty from his Imperial Crown and Dignity; These are therefore in his Majesty's Name to will and require you to receive into your Custody the Body of the said* John Wilmer *for the High-Treason aforesaid, and him safely to keep, till he shall be delivered by due Course of Law. And for so doing, this shall be your Warrant. Dated at* Hampton-Court, *the* 15th *of* August, 1681.

To *Thomas Cheeke* Esq; Lieutenant of the Tower of *London*, or his Deputy.

Signed,

Canterbury, &c. (14 in all.)

Reflections on the ninth Section.

AS in Section the 8*th* I gave the Relation of the King's Rage against me, that he would have my Blood, or ruine me; now here he begins: first he makes his Secretary *Jenkins* by his Warrant break over the Rights and Privileges of *London*, and fetch'd me out thence; and now he makes the Lords of the Council leap over Hedg and Stile of all Law, to send me to the Tower. As I take it, the Law of *England* is, No Man shall be by Warrant or *Mittimus* sent to Goal, until first the Accuser cometh face to face, and maketh Oath: Secondly, The Criminal shall be sent to the County-Goal where the Fact is committed, and not where the Justice or Privy-Counsellor pleaseth. For the first, here is no Accuser face to face, nor to this day know I mine Accusers. Secondly, Mention is made of several Oaths read, but never a word by whom made, or before what Justice taken; neither can I guess before what Justice they should be taken, or by what Witnesses sworn; unless they were taken by Mr. Justice *Warcupp*, and sworn by our *Dear-Joys*; for I knew he was conversant with them. I believe *old Pious Memory* himself was ashamed of letting either Justice or Witnesses be publick to the World,

World, they were ſo ſcandalous. My Warrant of Commitment was ſigned by thirteen more Lords of the Council, whoſe Names I omit to publiſh, as having that Charity for ſome of them; it was their Ignorance and Fear that made them ſet their Hands; and others of them I have hopes God will give them Grace to repent, and make ſatisfaction for their Wrongs done me: I am ſure ſome of them may do it with the lifting up of a Finger, if they have a Will to it. I will engage, let them ſerve half the Merchants upon the Exchange as they did me, they will forbid their being Merchants again.

SECT. X.

UPon this Warrant I was detained in the Tower fifteen Weeks and odd Days, and not allowed in all that time Pen, Ink and Paper; for the ſpace of ſix Weeks I was denied the ſight of any Friend, and not ſo much as my Wife, Children, Servants, Doctor or Apothecary permitted to come near me, though I was languiſhing under a violent Ague and Fever. My Wife petitioned all that time to be confined with me, but could not obtain it, till ſix Weeks being elapſed, when ſhe procured it, and alſo Liberty for me to walk with my Warder in the Tower.

In the time of my Impriſonment ſeveral Stratagems were uſed to deſtroy me; diligent Enquiry was made in moſt of the neighbouring Counties about *London*, to find whether I had been in any of them, to the end that they might pack me out of *London*, and get me indicted and murdered as *Colledg* was at *Oxford*: they endeavoured to ſuborn Engliſh Witneſſes againſt me, the Iriſh being become infamous: they alſo took ſome into a Meſſenger's Cuſtody, and threatned that they themſelves ſhould be hanged, if they would not ſwear againſt me. Moreover, they had it under conſideration to cut my Throat in the Tower; for Major *Hawley* (in whoſe Houſe the Earl of *Eſſex*'s Throat was cut) being enquired of, what would be done with *Wilmer?* he made anſwer, *He is a ſtubborn Rogue, his Throat muſt be cut.*

During the time of my Impriſonment my Petition was put in by Friends at two ſeveral Seſſions at the *Old-Baily*, praying to be tried or releaſed: but that would not avail; ſo that I was detained till the laſt Day of *Michaelmas* Term, 1681; when being brought by *Habeas Corpus* to the Court of King's-Bench, I was ſet at Liberty upon 9000 *l.* Bail, my ſelf

in 3000 *l.* and four Sureties in 6000 *l.* to appear the next Term; and then appearing, I was discharged.

Reflections on the tenth Section.

WAS not here a denying and delaying of Justice, and an absolute Breach of *Magna Charta?* What shall I say? All Designs of taking away my Life failing, now I must be ruined in my Estate. At that time I owed almost 10000 *l.* no Servant nor any Friend was suffered to speak to me: my People were forced to follow the best ways they could to pay running Bills of Exchange, and in order to it to sell Goods at any Rates, every one calling for every Penny I owed, and no one giving me Credit for a Penny; I being then in so strong a Hold, and under so black a Charge: whereas before I thank God I had a fair Credit upon the Exchange, and was in great business. The Wisdom therefore of our Forefathers, to obtain the Privilege that no Citizen should be committed to any Prison but the City's, where he is sure quickly to come to Trial, deserves to be remembred with Honour: for it's not with a Merchant in Trade, as it is with a Country-Gentleman; though he be falsly imprisoned, he is not damnified as is the Merchant; for his Estate being in Lands, his Rents are going on, which he will receive at his being restored to Liberty; but a Merchant in great Trade and Credit, and doing much as a Factor, as well as upon his own account; and his Business lying in many Countries, as was my Case: I say, let him be sent to the Tower four or five Months, and denied Pen, Ink and Paper, or Friend, or any to come to him; I will engage it shall spoil him, and lose all his Commissions, especially those in the Territories of the Monarch who lays his Hand on him; besides the Damage in his own particular Concerns; all Persons will be afraid to have to do in Trade with him against whom the Government hath a Pique. But before I could be hence released, the Popish Party would take t'other Blow or two, to try if they could hit the Nail o'th'Head: but here also, as God would have it, they also missed; for now a second Jury is *Ignoramus*; and afterwards a third, returned by the next Sheriffs, brave *Pilkington* and *Shute*, is *Ignoramus* also.

SECT.

SECT. XI.

SHortly after, my faſt Friends at Court reſolving to follow their Blow upon me, imploy two wicked and infamous Perſons, *Vavaſor* and *Beaumont*, to give me a new Vexation: theſe Varlots bring an Indictment againſt me in the City of *London*, charging me with the ſtealing of a Boy; but in this they were alſo diſappointed by an *Ignoramus* returned upon the Bill; which ſo enraged the little Engines *Vavaſor* and *Beaumont*, that they told me to my Face, that they would never leave me till they had *Colledg'd* me.

In a few days afterwards, they came upon me with a Writ *de homine Replegiando*, pretending that I had kidnapp'd a Boy; and alſo with an Information in the King's-Bench, at the ſame time, and for the ſame Matter. To the Writ *de homine Replegiando*, the Sheriffs *Pilkington* and *Shute*, by the Advice of able Counſel, made a ſpecial Return; ſetting forth, that the Boy before, and in the preſence of two Juſtices, had bound himſelf Apprentice to me, and was by me ſent in my Service to *Jamaica*; ſo that they could not replevy him. But the Court of King's-Bench not liking this Return, ſent an Attachment againſt the Sheriffs; who appearing in Court, were threatned if they would not return *Elongavit* upon the Writ, they ſhould be committed: The Sheriffs ſeeing this, told me that the *Quo Warranto* being brought againſt the City, if they ſhould go to Priſon for ſtanding by me, it might tend to the great Prejudice of the City, in taking them off from attending the Defence of the Charter; and asked me what I would have them to do? Whereupon, ſeeing Matters at this paſs, I was content that the Sheriffs ſhould give me up, by returning *Elongavit*, as the Court required. Which being done, a Writ called, *A Capias in Withernam*, is immediately iſſued againſt me, to take me into cuſtody, and detain me until I produced the Boy. Upon the Writ, I was inſtantly and moſt induſtriouſly ſearched after, and had fallen into their hands, but that going juſt before to retain Mr. *Pollexfen* (lately Lord-Chief-Juſtice of the Common-Pleas) as my Counſel; He very honeſtly and worthily, like himſelf, ſaid to me, I am loth to take your Money, for I can do you no good; I ſee the Court is ſet againſt you, and reſolved to ruin you; therefore my Advice is, ſell what you can, and put it into Money, and go your ways.

Within

Within a few days after, they brought on a Trial againſt me in the King's-Bench, by a well-prepared Kentiſh Jury, upon the Information for the pretended *Kidnapping*. To this Trial, the villanous Proſecutors brought a pack of ſuborned Witneſſes, who had all imaginable Countenance and Encouragement from the Court: when on the other ſide, the Lord-Chief-Juſtice *Pemberton* did brow-beat the Witneſſes brought by me, and committed one of them, who confronted, and in a Point moſt undoubtedly true, falſified a Witneſs brought againſt me; and alſo denied to hear many of my Witneſſes. By this Management, was a Verdict obtained againſt me; for which Service, the Jury were well payed, having been allowed a great Sum of Money upon pretence of their Travelling, beſides upwards of 40 *l.* ſpent at a Dinner upon them. And thus did King *Charles* the Second, carry in great meaſure his Point, and execute his Threat to ruin me.

Reflections on the eleventh Section.

THE Proſecution of me, upon this pretence of Kidnapping, was committed to two vile Wretches; as all who knew them will declare. *Vavaſor* ſpeaking of me, declared his Expectation of great Preferment if he could rout the Dog *Wilmer*, that *Ignoramus* Dog, as he expreſſed himſelf: and not long after, as a very uſeful Man, he was preferred, and made one of the Witneſſes againſt the pretended Rioters at *Guildhall*, in the Election of Sheriffs at *Midſummer*, 1682, when Sir *John Moore* made a Riot there, in order to the making *North* and *Rich* Sheriffs: And *Beaumont* was a Miſcreant who had been guilty of razing a Record, and of Perjury. Such Men as theſe were moſt proper Inſtruments for ſuch a Work. A certain knowledg of the Expence in this malicious Proſecution of me, which was found in the Accompts of *Graham* and *Burton*, reported in the Houſe of Commons, and which Major *Wildman* can produce, would convince the World how far the State was concerned in this Matter, and that it was eſteemed more than a private Quarrel.

SECT. XII.

FRom the time of this Verdict, I was adviſed by Counſel, and perſwaded by Friends, to keep out of the Reach of thoſe who were bent upon my Ruin, and thirſted after my Blood; and I ſecreted my ſelf in *England* for about a Year's ſpace; in which time, Meſſengers with

with Conſtables would come at all Hours of the Night to ſearch my Houſe for me. I then retired into *Holland*, whither about a Year after my Wife and Children followed me. My implacable Enemies now finding that they could not have their Will on my Perſon, caſt about how to ſtarve me and my Family in *Holland*; to which End, they procure a Commiſſion upon the Statute of Bankrupts to be taken out againſt me: Which a Perſon related to me, underſtanding, went to the Commiſſioners, and told them that they needed not to take ſuch a Courſe with his Couſin *Wilmer*, for he would pay every Man twenty Shillings in the Pound who ſhould make due proof of his Debt: hereupon, the Commiſſioners ſeeing the Villany and foul Practice in the Caſe, were backward to proceed upon the Commiſſion; and having no Proof of my being a Bankrupt, they never declared me ſuch, but the Commiſſion fell. This malicious Proſecution being thus over, I had ſome Reſt in *Holland*: And meeting with very civil Treatment from the Dutch, I continued there five or ſix Years, until the Expedition of his Highneſs the Prince of *Orange*, in which I attended him, having pawned my Plate and Wive's Jewels, to equip my ſelf and Servant, as a Volunteer of Horſe.

Reflections on the twelfth Section.

THE Hardſhips in this my Caſe are not to be readily parallel'd: I was at firſt mark'd out for Deſtruction, for having (when I was called out as a Jury-Man) given a moſt righteous Verdict. My Ruine was moſt cloſely purſued, by the ſeveral Steps before recited; and I being by that tranſcendently malicious Proſecution, drove into Exile, a moſt unreaſonable and unjuſt Attempt was then made to compleat my Ruine, and ſtarve me and my Family in a ſtrange Land: but the divine Providence did wonderfully preſerve and ſupport us there; and I returned to my Native Country with his preſent Majeſty, in his glorious Expedition; which, as God be praiſed, hath ſo well ſucceeded; but if it had miſcarryed, I ſhould not have found Mercy, but muſt have died in the Field with my Sword in my Hand; or if taken alive, may ſay, without pretending to the Spirit of Prophecy, that my Head and Quarters would have been ſet on the Gates of *London*.

To conclude; As I have given you a Jury of *Sections*, with *Reflections* on them, let me now ſum up all with brief Conſiderations on the whole. It could not be poſſible to imagine there ſhould have been ſo virulent, violent and unprecedented Proſecutions againſt ſeveral Perſons

as

as there were in the late Reigns, had the Government not had ſome mighty Projects in their Heads for Antichriſt: Theſe were chiefly managed by Father *Peters*, and the reſt of his accurſed Order, all along within the Curtain, until the beginning of King *James* the Second's Reign; then they pulled aſide the Curtain, and threw off their Vizards. In theſe late Reigns, there was a Wheel within a Wheel, the outward Wheel was all for the Church of *England* as by Law eſtabliſh'd, but the inward Wheel was for the Church of *Rome*, and was turned by the politick Strength and Craft of the Jeſuits and their Intereſt in this and all other Courts: And this inward Wheel, how far and how faſt did it make this outward Wheel run! what Diſtractions, and what Diviſions were made in this poor Nation! here was Houſe againſt Houſe, Father againſt Son, and Son againſt Father, Husband againſt Wife, and Wife againſt Husband, Maſter againſt Servant, and Servant againſt Maſter; the Maſter become the Apprentice, and the Apprentice become the Maſter. All theſe Artifices were uſed to compaſs their wicked Ends, to rule over us according to their Maxim, *Divide & Impera*. This may therefore be a Caution to all Engliſh Men for the future, to be jealous of any Party whatſoever, that is Red-fire-hot againſt all Men that are not of the ſame Church with them. When any Church or Number of Men ſhall confederate themſelves to oppreſs or tyrannize over any ſort of Men that differ from them, but more eſpecially fall on them that differ only in Circumſtance and not in Subſtance, I ſhall much queſtion the Truth of that Church, or of that Confederacy, whether they are of Chriſt or not; eſpecially, that tyrannize over Men that ſtand in the way of their worldly Greatneſs and worldly Preferment. I muſt look on that Church, and on that Confederacy, as a worldly Church and Confederacy, and not the Church of Chriſt. All Mankind, by Nature, that have only reſtraining Grace, are only chained Devils, and may live ſober in Civil Societies, under the Government of good Laws duly executed, and be neighbourly with their Neighbours; but if once the Chains of good Laws be taken off, or the due Execution be omitted, then the Devils let looſe, will ſoon ſhew themſelves, and Right and Wrong will be Weak and Strong, and the Greater preying on the Leſſer: therefore the great Wiſdom and Care of all Civil Governments and Societies, are to look well to it, that they have good Laws and impartial Execution of Juſtice, without Favour and Affection; that is the only way to keep all in Peace and Quiet. For under a Government where Partiality is uſed in Juſtice and Judgment, though it may not come preſently to Fire and Sword in the Field, yet it makes the Blood boil, and in ſuch Ferment, that like dried Sticks,

are

are ready to take Fire from every Spark; and Men will be ready to lay hold of every Opportunity of righting themſelves. I grant, in this World, we are in an imperfect Eſtate, and in all Ranks and Degrees of Men there are bad as well as good; therefore the Care of wiſe and honeſt Governors, is to ſee well they have wiſe and honeſt Sub-governors, both in Church and State; Men fearing God and hating Covetouſneſs; Men that labour to keep Conſciences void of Offence towards God and towards Men: Some bad will creep in amongſt the good, ſome Tares will grow amongſt the Wheat. In the late Reigns, what Tools to the Court were many of the Church-Miniſters made, to preach up ſtrange Doctrine, ſuch as our Saviour never taught; to make Cullies of unthinking People, and to gull the poor Citizens and Country-Towns of their Charters, Franchizes and Liberties, not conſidering that at the ſame time they were cutting the Bough they ſtood on? I have that Charity as to believe, many of them did not ſee the Wheel within the Curtain; for that the God of this World had blinded them, they being only for the Riches and Honours of the World; for then Compliance to the Court, was the only way and ſtep to Preferment.

After ſome-time of my being in *Holland*, and obſerving all Religions amongſt them, and all theſe agreeing as one Man in preſerving and defending their National Rights and Privileges, I wonder'd at the great Wiſdom of the People, and our Folly, that it was not ſo with us in *England*: But when I ſaw farther into the reaſon, why there was ſuch a Union in *Holland* amongſt that People, I then admired the Wiſdom of the States: For the Law of that Country is, that no Miniſter of the Goſpel ſhall intermeddle with State-Matters or State-Government; if they do, the States ſend them a Staff and a Pair of Shoes: the Meaning whereof is, to depart the Country in a prefixed time, or ſuffer Death; with this additional Meſſage; Your Work is to preach the Goſpel of Peace, Love and Unity, and ſhow your Flocks the way to Heaven, your ſelves alſo being exemplary in all Morality and Godlineſs; and our Work is to govern the State. And this is a convincing Argument to me, that a Nation where the Governours thereof have ill Deſigns againſt the Conſtitutions of the Government to alter and change it, and to help them herein, ſtand in need of ſome Church-Miniſters to be their Tools to forward their Deſigns, they cannot miſs finding ſome worldly unthinking-Men for their by-Ends, that ſhall lead their ſilly Flocks to be helpful in this Work, and thereby miſerably divide a Nation to ſerve a Court's Deſign in order to ſet up Popery, as was lately our Caſe. As in all Civil, ſo alſo in all Religious Orders of Men, there are good and bad; they are like *Iſaiah*'s

Figs, them that are good are very good, and them that are bad are very bad; even the worſt of Men, if they have not Gifts and Graces fitted for their Function, and ſo called, and ſent of God, they are fitted for the Work, and ſent by the Devil: if they are not Angels of Light, they are of Darkneſs, the Firebands and Incendiaries of Hell; and if they do not moſt good, they do moſt hurt, as by ſad Experience hath been ſhown. And indeed this is no new thing; for if we do but conſider and look back, that ever ſince the Reformation the Order of Jeſuits have, like Moulds under Ground, been undermining us, to bring back theſe Nations to the Church of *Rome*, the Mother-Church, as they call it. Conſider in Queen *Elizabeth*'s Reign their ſeveral Attempts, privily to aſſaſſinate her, and publickly, by the Spaniſh Armada, to deſtroy us: and in King *James* the Firſt's Reign, the Powder-Plot, to blow up King and States all at once. And in King *Charles* the Firſt's Reign, what Maſſacres were then in *Ireland*; and Wars in *England*, all fomented by them? But now in King *Charles* the Second's Time, what Work did they make by the help of his Hypocriſy? for he engaged to the Jeſuits, when on the other ſide of the Water, to ſet up Popery in *England* if ever he came to the Crown, and was himſelf then reconciled to the Church of *Rome*, though, through Cowardice, he durſt not here ſhew it. But yet, by debauching the Nation, and by his great Hypocriſy in pretending to be a Proteſtant, what Callies he made thereby of Parliaments and Church-Men, to be his Tools to cruſh and ruine the honeſt and ſober Engliſh Men, that for Real Religion, Liberty and Property, ſtood in his way. How many Plots were carried on in his Reign to deſtroy the Proteſtants? And how were they wonderfully by God diſcovered? And the Papiſts having prepared and ripened Matters for Execution, in breaking down all our Hedges and Fences, and diſmantled our Charters and Franchiſes, and had raiſed up the French King at Sea and Land to his Greatneſs, now ſaw it high time to take off King *Charles*, and ſet up King *James*. Here the Maſk is thrown off, and King *James* declares for *Rome*, and riding Poſt thither, and Father *Peters* and his Order publickly ſet up to rule the Roaſt: Yet all was well whilſt he was cruſhing the Diſſenters, all was *Paſſive-Obedience* and *Non-reſiſtance*, and no fear of Popery until he came to touch the Churches Intereſt: then they began to be ſenſible of Popery, and all the Pulpits and Preſſes rang out, O Popery, Popery! Others felt it, and ſaw it long before: And theſe Men now at laſt, God be thanked, came to a fellow-feeling; and now *Paſſive-Obedience* and *Non-reſiſtance* muſt turn out of doors: And now to your Tents, O *Iſrael*, and pray to God to ſtir up the Heart of his Highneſs

neſs the Prince of *Orange* to come and help us againſt the Mighty. And God be thanked, he heard us; and God by his mighty Hand hath brought about this mighty Revolution and Deliverance. Now is all done we promiſed and vowed to God we would do, in the Day of our Affliction and Trouble? No ſurely. Are we not ſtill daubing with untempered Mortar? Are there not ſome Wedges of Gold, ſome Babyloniſh Garments amongſt us? When God, by the Hand of his Prophet *Samuel*, ſent a Meſſage to *Saul* to deſtroy the *Amalekites* out of the Land; *Saul* told him, he had performed the Commandments of the Lord: ſays *Samuel* to him, What meaneth then this bleeting of the Sheep and lowing of the Oxen in mine Ears? Mauger all the *Tobias's* and *Sanballat's* of the Age, that God that hath ſo glorioufly begun his Work, will carry it on; and he that hath ſo wonderfully laid the Foundation of Deliverance, will alſo finiſh the Building, and lay the Top-ſtone thereof, that all Nations ſhall to him cry, *Grace, Grace.* God will have plain Dealing in his Work, without the carved Work of trinkling Shams and Tricks in Church or State; and let the Drunken, Swearing, Whoring, Paſſive-Obedience, Non-reſiſtance Prieſts, have a care of uſing any more new Deſigns, leſt they bring the Weight of the Nation to fall on them; which if they do, they will be ground to Pouder: therefore let it be the Care and Study of all Engliſh Men to defer no longer the Uſe of right Ways and Means to our honeſt Settlement, leſt we provoke God to ſend a Sword in our own Bowels: I pray God to prevent it. I deſire not to ſee that woful Day, O Lord, thou knoweſt! But if our Sins ſhould bring it upon us, it would be bloody Work; for then will be called to remembrance old Wrongs, Injuries and Oppreſſions: Therefore, as we have Work enough, and brave Work on our Hands, and our King is hearty and courageous with us in it, to pull down that Monſter of Men, and Tyrant of the Earth, the French King; which our late Reigns, with the help of our Paſſive-Obedience Prieſts, have ſet up to his Greatneſs: And ſtill theſe and their Party, are the great Grumblers to part with their Money towards this Work at this Day. But they muſt part with a great deal more, and thank God they ſcape ſo too: for they ſet up this *Jack*-of-Lent in the laſt two Reigns, and now the Bodies and Purſes of the Nation muſt pay for knocking him down again; for as Matters ſtand now, he or we muſt down. But ſome flattering Prieſt will ſay, you deal coarſly with a crowned Head. I tell that *Baal's* Prieſt, I will not change Eſtate and Condition with the French King, *Lewis le Grand:* and I dare be bold to ſay, without Breach of Charity, that brave *Stephen Colledg* will not change Crowns nor Kingdoms with the late King *Charles* the Second.

Second. I will pay as much Reſpect and Deference to a good Man and a good King, as far as I am in Duty bound, as any Man ſhall; but I hate all Flatterers and Flattery, which are the Bane and Peſt of Kings, and all Men: For all Men are naturally proud, and by Flatterers too too apt to be puffed up.

Now having finiſhed what I intended; and though the ſubject Matter hath coſt my Purſe dear, and I have run great Hazards of Life for you, yet I ſhall think it the beſt Money I ever parted with; and all my paſt Hazards will no more be thought of than the Pangs of a Woman in travail, when the Man-child is born, if you will but make right uſe of them for your ſelves and Poſterity, and will now in a good Reign be like provident *Joſeph*, making Proviſion againſt a bad one. I have lived in the World near 54 Years, have experienced a great deal of it; and ſee very little in it worthy the deſire of living longer than only for theſe two Things: The firſt is more affectionately and ſincerely to love and ſerve my God: And the ſecond is to be doing more good, and ſerving of my Generation. For 14 Years paſt, ever ſince I ſaw plainly your Ruine was determined by Popiſh and Jeſuited Councils, I dedicated my Life, and all that is dear to me and my Family, to your Service, to the Truth whereof God bears me witneſs herein, that I lie not; and notwithſtanding the many Hazards I have run for you, and Damages in Eſtate ſuffered for you, and the coarſe Uſage I have met with ſince my Return to you, yet I am no ways diſcouraged hereat from doing my Duty to ſerve you, but am ſtill as ready as ever to run through as many more Difficulties for you if Occaſion be, or Neceſſity require, God aſſiſting me. All Glory and Praiſe be to God on High, Peace on Earth, and Good-will to Men. *Amen, Amen.*

FINIS.

64971